(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 265 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. J. Godinho, Advocate for the Petitioners.

Mr. A.N.S. Nadkarni, Advocate General with Mr. S.R. Rivonkar, Govt. Advocate for the Respondents No.1 and 2.

Mr. S.D. Padiyar, Advocate for the Respondent No.3.

CORAM : S.A. BOBDE &
N.A. BRITTO, JJ.

DATE : 23RD JUNE, 2004.

P.C.:

Rule returnable forthwith.

Heard by consent. The petitioners are residents of Baina, Vasco-da-Gama. They have approached this Court also in public interest on behalf of the other residents of Baina, Vasco-da-Gama, who are not commercial sex workers and not engaged in sex work or sex trade in any manner. The petitioners claim that they have been residing in this

area of Baina, Vasco-da-Gama along with others for periods ranging from 10 years to 40 years. They apprehend a summary eviction at the hands of the respondent No.3 with the aid of the other respondents.

The learned counsel for the respondent No.3 which holds the land in question, apparently on lease from the Government, makes a statement that none of the petitioners and other similarly situated persons will be evicted except in accordance with law. We are of view, having regard to the fact that the petitioners have been on the land for a long period, it is necessary for the respondents to issue a ten days notice to the petitioners and other similarly situated persons for removal of the structures. The notices shall be served personally or by substituted service by fixing the notice on the property. If the encroachment is not removed within a specified time,

the competent authority would be at liberty to have it removed. The above procedure would be in accordance with the law laid down by the Supreme Court in **Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan and others** (A.I.R. 1997 S.C., 152).

The respondent authority is further directed to take into account any authorisation for occupation which may have been issued in favour of the alleged encroachers, if produced by them, within the notice period.

Petition disposed of with the above direction.

S.A. BOBDE, J.

sl. N.A. BRITTO, J.